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Bureau of Citizenship and Immigration Services

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ADMINISTRATIVE APPEALS OFFICE  
425 Eye Street N.W.  
BCIS, AAO, 20 Mass, 3/F  
Washington, D.C. 20536

File: [REDACTED] Office: NATIONAL BENEFITS CENTER

Date: JUL 17 2003

IN RE: Applicant: [REDACTED]

Application: Application for Status as a Permanent Resident pursuant to Section 1104 of the Legal Immigration Family Equity (LIFE) Act of 2000, Pub. L. 106-553, 114 Stat. 2762 (2000), amended by Life Act Amendments, Pub. L. 106-554, 114 Stat. 2763 (2000).

ON BEHALF OF APPLICANT: Self-represented

**INSTRUCTIONS:**

Attached is the decision rendered on your appeal. The file has been returned to the Service Center that processed your case. If your appeal was sustained, or if your case was remanded for further action, the Service Center will contact you. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

*Robert P. Wiemann*  
for  
Robert P. Wiemann, Director  
Administrative Appeals Office

**DISCUSSION:** The application for permanent resident status under the Legal Immigration Family Equity (LIFE) Act was originally denied by the Director, Missouri Service Center. It was subsequently reopened and denied again by the Director, National Benefits Center. The appeal will be dismissed.

In the initial decision, the director concluded the applicant had not established that she had applied for class membership in any of the requisite legalization class-action lawsuits prior to October 1, 2000 and, therefore, denied the application.

On appeal from the director's initial decision, the applicant stated that she filed with her husband and children. The applicant claimed that she sent all of her evidence about her pending application.

In the subsequent decision, the director concluded that the evidence provided by the applicant failed to establish that she or any member of her family filed an actual written claim for class membership in a timely manner.

The applicant has not responded to the director's subsequent decision. Therefore, the record must be considered complete.

An applicant for permanent resident status under the LIFE Act must establish that before October 1, 2000, he or she filed a written claim with the Attorney General for class membership in any of the following legalization class-action lawsuits: *Catholic Social Services, Inc. v. Meese*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), *League of United Latin American Citizens v. INS*, vacated sub nom. *Reno v. Catholic Social Services, Inc.*, 509 U.S. 43 (1993), or *Zambrano v. INS*, vacated sub nom. *Immigration and Naturalization Service v. Zambrano*, 509 U.S. 918 (1993). In the alternative, an applicant may demonstrate that his or her spouse or parent filed a written claim for class membership before October 1, 2000. However, the applicant must establish that the family relationship existed at the time the spouse or parent initially attempted to apply for temporary residence (legalization) in the period of May 5, 1987 to May 4, 1988. 8 C.F.R. § 245a.10.

The evidence to which the applicant referred to on appeal included the applicant's marriage certificate and passport. However, neither of these documents are of any probative value in establishing that the applicant submitted a written claim of class membership in a timely manner. In response to the notice of intent to deny, the applicant provided a letter from her pastor. However, the letter offered a character reference and established church membership. It does not refer to the applicant having submitted a timely written claim for class membership in any of the three class action lawsuits. Moreover, because the applicant, on appeal, claimed that she filed an application with her husband, the Bureau

conducted an investigation to determine if the applicant was eligible for LIFE Act benefits based on his status. However, there was nothing in Bureau records to indicate that the applicant's husband filed a written claim for class membership.

The documentation provided by the applicant initially, in response to the Notice of Intent to Deny, and on appeal does not establish that the applicant or her spouse filed a claim for class membership.

It should be noted that on her application for adjustment of status under the LIFE Act, the applicant indicated that she had been in the United States since 1987. 8 C.F.R. § 245a.11(b) requires each applicant to demonstrate that he or she entered the United States prior to January 1, 1982. It appears that the applicant is also unable to meet this requirement.

Given the applicant's failure to submit documentation indicating her husband or her having filed a timely written claim for class membership, she is ineligible for permanent residence under section 1104 of the LIFE Act.

**ORDER:** The appeal is dismissed. This decision constitutes a final notice of ineligibility.